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August 27, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

RE: Ex Parte Notice: CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

On August 23, 2012 Sean Belanger and the undersigned of CSDVRS, LLC (“ZVRS”) had the following two meetings with: 1) Jonathan Chambers, Office of Strategic Planning and Policy Analysis, Karen Peltz Strauss and Robert Aldrich, Consumer and Governmental Affairs Bureau, and Gregory Hlibok Disability Rights Office; and 2) Henning Schulzrinne, Chief Technology Officer, Jonathan Chambers and Gregory Hlibok. Lydia Runnels and William Cobb of ZVRS also participated in the second meeting.

In the first meeting ZVRS discussed with the Commission the challenge in the provision of video relay services (“VRS”) created by the giveaway of a surplus of multi-function products including iPads, television sets, laptops and other accessories to consumers as a reward for porting to another provider. It was pointed out historically product distribution in VRS was limited to purpose built video phones (“VPs”), the most common example being the VP100/200s and more recently the Z20s. With the giveaways of multi-function products, matters have escalated beyond providing consumers with the means to access VRS and Point-to-Point (“P2P”) video calling and have created excessive benefits for consumers equivalent to “cash” rewards. The Commission’s records, including its consumer complaint docket, reflects that consumers are being offered multi-function products – and often a combination of several products – in excess of a purpose built VP in order to incent them to port or to retain their loyalty. Product giveaways in excess of what is needed to access VRS causes customers to believe that loyalty and higher use of certain providers will create their eligibility for “rewards” and other types of benefits.

Indeed, it is our belief that Sorenson Communications, Inc. has not only used its dominant position to initiate and perpetuate the anti-competitive giveaways, but is also being deliberately selective about which customers receive the surplus multi-function product giveaways and the amount of product giveaways being offered to certain customers. ZVRS pointed out that while it has also provided consumers with free iPads, ZVRS provided iPads to match the Sorenson offer to ZVRS customers in order to defend the installed base of ZVRS customers.

We all discussed that giveaways of surplus multi-function products such as iPads can result in minute pumping in that an individual recognizes that certain consumers are getting a free iPad as a reward for some type of status as a VRS consumer such as making a high volume of VRS calls, therefore doing more VRS minutes will cause a provider to also come to his or her door with a free iPad. These types of rewards programs risk the integrity of the VRS program and leads to similar climate which caused the FCC to ban the Hands On brown bag rewards program in that consumers were incented to make VRS calls they would otherwise not choose to make. We discussed the distinction in the case of excessive product giveaways from the 2009 decision for Sorenson against the Commission in that the decision addressed the use of revenue and consumer data for lobbying and the application of the First Amendment and left intact the Commission's authority to regulate the use of financial and other incentives for consumers.¹

ZVRS suggested a line should be drawn between purpose built VPs which distribution should continue to be allowed and multi-function products which giveaways should be restricted. It should be noted that a purpose built VP has no function other than making video calls. ZVRS recommended certain Commission action it should immediately take to bring a halt to the excessive multi-function product giveaways.

In the second meeting, ZVRS continued at the request of Commission personnel its discussion of the use of software based video conferencing in support of achieving the Commission's FNPRM objective of transitioning to off-the-shelf VRS access technology.² We discussed the current state of the video conferencing market and the profound effects of the iPad and Android products and their video conferencing applications. ZVRS again demonstrated a universal software application which would meet the requirement for both default VRS access providers to support VRS and P2P calling and easy access of dial-around preserving consumer choice, shifting the focus of the VRS program to quality video interpreting rather than access to equipment.

We discussed standards and interoperability. ZVRS advised that the software would need to be built to standards but the adoption of a universal package for access eliminates

¹ *SORENSEN COMMUNICATIONS, INC. and GOAMERICA, INC., v. FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA*, 567 F.3d 1215 (10th Cir. 2009).

² See *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Ex Parte of CSDVRS, LLC., CG Docket Nos. 10-51 and 03-123 (July 10, 2011).

interoperability challenges. It was pointed out that any software package would need to support Apple Mac and IOS, Google/Android, Microsoft PC and tablet as well as Google TV and Apple TV. There is software on the market today which meets these requirements.

ZVRS reiterated the need for a proper default provider selection period as part of a suggested transition period of 2 to 3 years. ZVRS also highlighted the need to provide a stipend of approximately \$400 per consumer to ensure that equipment to access VRS such as an iPad are available for consumers. Finally ZVRS emphasized the importance of consumer involvement in the process.

ZVRS appreciated the Commission's high degree of interest and encourages it to promptly undertake steps to solicit comments and other actions to inform it such as convening a panel of experts to discuss the use of a universal software package, possibly in conjunction with Neustar as part of their occasional dialogue with VRS industry engineers.

Sincerely,

/s/

Jeff Rosen
General Counsel

cc: Jonathan Chambers
Karen Peltz Strauss
Robert Aldrich
Gregory Hlibok
Henning Schulzrinne